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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,995	02/12/2004	David Malcolm Camm	SMARB11.001AUS	3328

20995 7590 01/06/2010  
KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

EXAMINER
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WON, BUMSUK

ART UNIT	PAPER NUMBER
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2889

NOTIFICATION DATE	DELIVERY MODE
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01/06/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
eOAPilot@kmob.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/777,995	<b>Applicant(s)</b> CAMM ET AL.	
	<b>Examiner</b> BUMSUK WON	<b>Art Unit</b> 2889	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 55,58 and 60-131 is/are pending in the application.
- 4a) Of the above claim(s) 76-114 and 117-131 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 55,58,60-75 is/are allowed.
- 6) ☒ Claim(s) 115 and 116 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

The amendment filed on 9/14/2009 has been entered.

### ***Response to Arguments***

Applicant's arguments filed on 9/14/2009 have been fully considered but they are, in part, not persuasive. Regarding the independent claims 55, 115, and 116, the applicant argues that the rejection under 35 USC §102(b) is improper because the prior art of Grossman (US 4,963,783) does not specifically disclose, among other claim limitations, *an electrically insulated flow generator comprises an electrical conductor and electrical insulation surrounding said conductor*. The examiner respectfully disagrees. As noted in the previous rejection, Grossman discloses such limitation: the examiner interprets the whole mechanism of the portion that surrounds the inner envelope 2 as the electrically insulated flow generator.<sup>1</sup> The applicant further argues that the prior art of Grossman does not disclose or suggest the claim limitation of claim 55: said electrical insulation surrounds said first electrode and said conductor. The examiner respectfully agrees. The examiner withdraws the rejection under 35 USC §102(b) of claim 55. However, claims 115 and 116 do not have such claim limitation; thus, the examiner maintains the rejection of claims 115 and 116 under 35 USC §102(b).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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<sup>1</sup> Grossman also discloses in column 4, lines 24-29 and 52-56 regarding the circulation of heat transfer medium which infers the mechanism of the portion that surrounds the inner envelope 2 is an electrically insulated flow generator.

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Claims 115 and 116 are rejected under 35 U.S.C. 102(b) as being anticipated by Grossman (US 4,963,783).

Regarding claim 115, Grossman discloses an apparatus (figure 1) comprising: electrically insulated means (not specifically referenced in figure 1, the portion that surrounds an inner envelope 2, and column 4, lines 24-29 and 52-56) for generating a flow of liquid (column 4, lines 65-67, "the circulating heat transfer medium") along an inside surface of an envelope (column 4, lines 52-56, the examiner interprets 3 being the envelope, and 2 being an inner envelope), wherein the electrically insulated means (column 4, line 52 – the flow of liquid is water, thus, in order not to short circuit the conductor from other conductors within the flow generator, it is inferred that the conductor 5 is surrounded by electrical insulation) comprises electrical conducting means (5) for generating the flow of liquid (column 4, line 52) and means for electrically insulating the electrically conducting means for generating; means for generating electrical arc (6's) within the envelope to produce the electromagnetic radiation (this apparatus is a lamp, therefore the electrodes create electromagnetic radiation - light); and means for conducting electricity (5) to the means for generating (5), wherein the means for conducting (5) comprises the electrically conducting means for generating the flow of liquid (column 4, line 52).

Regarding claim 116, Grossman discloses a method of producing electromagnetic radiation (figure 1), the method comprising: generating a flow of liquid (column 4, lines 65-67) along an inside surface of an envelope (3), using an electrically insulated flow generator (not specifically referenced in figure 1, the portion that surrounds an inner envelope 2, and column 4, lines 24-29 and 52-56) comprising an electrical conductor (5) and an electrical insulation (column 4, line 52 – the flow of liquid is water, thus, in order not to short circuit the conductor from other conductors within the flow generator, it is inferred that the conductor 5 is surrounded by electrical insulation) surround the conductor; and generating an electrical arc between first

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and second electrodes (6's) to produce the electromagnetic radiation, wherein generating the electrical arc comprises conducting electricity to the first electrode (6) through the conductor (5) of the electrically insulated flow generator.

### ***Allowable Subject Matter***

Claims 55, 58, and 60-75 are allowed. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 55, the prior art of record does not teach or suggest the invention of an apparatus for producing electromagnetic radiation, the apparatus having an electrically insulated flow generator including an electrical conductor and electrical insulation surrounding the conductor and a first electrode which with second electrode configured to generated an electrical arc, along with other claimed limitations. Claims 58 and 60-75 are allowed due to claim dependency.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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***Contact information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BUMSUK WON whose telephone number is (571)272-2713. The examiner can normally be reached on Monday through Friday, 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minh Toan Ton can be reached on 571-272-2303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bumsuk Won/  
Primary Examiner, Art Unit 2889